

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

PETER A. EVANS and,
DARLENE T. EVANS,
Plaintiffs,

v.

COMMONWEALTH LAND TITLE
INSURANCE COMPANY,
Defendant.

15-cv-00238

DECLARATION OF STEPHANIE C. THOMAS

I, Stephanie C. Thomas, under oath hereby state as follows:

1. I am over the age of eighteen and am competent to testify as to the matters set forth herein.
2. I am employed as a Vice President and Senior Claims Counsel by Fidelity National Title Group, the corporate parent of defendant Commonwealth Land Title Insurance Company ("Commonwealth").
3. I have personal knowledge of the facts set forth herein.
4. I am familiar with the claims asserted by plaintiffs Peter A. Evans and Darlene T. Evans (the "Plaintiffs") in this litigation.
5. On or about January 2, 2004 Commonwealth issued to the Plaintiffs an owners' policy of title insurance bearing policy number A60-0314169 (the "Policy").
6. A Commonwealth owners' policy of title insurance, such as the Policy, comprises: a) a cover sheet and schedules that are specific to the particular policy; b) a policy jacket that sets forth the standard scope of coverage, conditions, stipulations and exclusions

applicable to the type of policy being issued; and c) endorsements that may alter the scope of coverage in order to address matters that are specific to each policy and property.

7. A true and accurate copy of the Policy's cover sheet and schedules is attached as Exhibit 2 to Commonwealth's Statement of Undisputed Facts.

8. Based upon a review of Commonwealth's records with respect to the Policy it does not appear that the Policy's cover sheet and schedules were appended to a policy jacket. This is not uncommon as the policy jacket is a standard set of terms and conditions that is part of each owners' policy of title insurance issued by Commonwealth.

9. Commonwealth's policy jackets are amended from time to time. These amendments generally coincide with amendments to the standard form of title insurance policies that are promulgated by the American Land Title Association ("ALTA").

10. At the time the Policy was issued the applicable jacket was the standard ALTA owner's policy as revised on October 17, 1992.

11. A true and accurate copy of the jacket applicable to the Policy is attached to Commonwealth's Statement of Undisputed Facts as Exhibit 3 and contains the standard insuring clause, conditions, stipulations and exclusions applicable to the Policy.


12. On or about November 5, 2014 Commonwealth appointed Attorney Douglas Whitaker to defend the Plaintiffs with respect to Count I of the First Amended Complaint in the litigation styled *The Preserve at Boulder Hills, LLC v. Peter A. Evans, et al.*, WC-2014-0392 (the "Underlying Action") in the Rhode Island Superior Court for Washington County.

13. Upon Attorney Whitaker's withdrawal Commonwealth appointed Attorney Thomas Plunkett to represent the Plaintiffs with respect to Count I of the First Amended

Complaint filed in the Underlying Litigation. Attorney Plunkett continues to represent the Plaintiffs in the Underlying Litigation as of the date of this declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 4, 2015



Stephanie C. Thomas